

Time	Speaker	Note
<u>1:49:34 PM</u>	(entry only)	INITIAL APPEARANCE: AUSA M. DiGiacomo, M. Mariano and defts.
<u>1:51:07 PM</u>		Defts advised they are charged in a criminal complaint -- defts acknowledge receipt of complaint.
<u>1:51:16 PM</u>		Defts advised charges and penalty range in the event of conviction.
<u>1:52:11 PM</u>		Deft advised of their rights.
<u>1:52:30 PM</u>		Defts wish to be represented by counsel. <b>Deft Perales</b> reqs ct app atty. Deft sworn, examined and <b>determined not eligible</b> . Case will be transferred to MJ Scott. <b>MARIANNE MARIANO LIMITEDLY ASSIGNED PENDING REVIEW BY MJ SCOTT.</b>
<u>1:56:17 PM</u>		<b>Deft Castillo</b> indicates his name is Castro not Castillo. Gov't clarifies deft's name, to wit: Castillo shows up on criminal history printouts and that's why there is an a/k/a as well. <b>COURT ASSIGNS MARIANO FOR TODAY'S PROCEEDING -- DEFT TO COMPLETE FINANCIAL AFF'D W/PTS -- ASSIGNMENT ELIGIBILITY TO BE DETERMINED.</b>
<u>1:57:43 PM</u>		<b>Deft Owens</b> reqs ct app atty. Deft sworn and examined.
<u>2:00:19 PM</u>		<b>[AFPD review financial aff'd w/deft Owens off the record]</b>
<u>2:02:48 PM</u>		Court continues <b>Owens</b> examination. <b>Deft determined ineligible for assignment subject to review by MJ Scott. Mariano limitedly assigned for today's proceeding only.</b>
<u>2:06:27 PM</u>		Court states there will be an issue on atty representation for dtn hrg? AFPD concurs.
<u>2:06:39 PM</u>		<b>AFPD states more PTS followup forthcoming which will clarify/verify unknown information -- AFPD can assist defts who have issue w/atty assignment.</b>
<u>2:07:40 PM</u>		<b>Conway</b> reqs ct app atty. Deft sworn and examined -- eligibility uncertain.  <b>Court directs for purposes of followup proceeding before MJ Scott at the dtn hrg that <u>defts are eligible for panel counsel at dtn hrg to be determined by MJ Scott if defts should contribute towards defense.</u></b>
<u>2:12:37 PM</u>		<b>AFPD will represent Perales and represent co-defts for this proceeding until panel attys appointed subject to MJ Scott determined if assignments should continue or defts retain attys.</b>
<u>2:13:09 PM</u>		Defts advised of their rights to PE.
<u>2:13:25 PM</u>		AFPD reqs PE be scheduled at the time of dtn hrg.

7/3/2007

**FILED**  
U.S. DISTRICT COURT  
W.D. of N.Y.  
7/3/07  
AT \_\_\_\_\_ O'C \_\_\_\_\_ M.  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_

1 of 2

Time	Speaker	Note
<u>2:13:44 PM</u>		Gov't moves for dtn for all defts on the basis of risk of flight and Perales status in the US; as to castro: risk of flight/danger and status inthe US -- deft Owens and Conway -- risk of flight/danger. gov't reqs 3 days under the statute
<u>2:18:21 PM</u>		<b>7-6-07 at 11 am, dtn hrg and schedule PE (before MJ Scott)</b>
<u>2:18:43 PM</u>		defts remanded to USMS in the interim.
<u>2:18:51 PM</u>		court query to Perales and Castro re: citizenship?
<u>2:18:58 PM</u>		<b>AFPD reqs defts not to anaswer as to their citizenship and waive any consulate issues to be addressed at a later time.</b>
<u>2:19:19 PM</u>		AUSA reqs time exclusion from today thru 7-6-07 under STA and Rule 5.1 of Fed Rules of Crim Procedure and 18:3161h1f, etc. -- defts agree -- court adopts counsel's representations as its findings -- written sta order to follow.
<u>2:20:23 PM</u>		defts remanded.
<u>2:20:25 PM</u>	end	